Claims 3-5 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Shinozuka. Applicant traverses this ground of rejection.

Independent claim 3 defines a lens drive device "in which a lens holder and a suspension base are insert molded out of a resin on the two end sides of a plurality of wire form elastic members made of a metal such that portions of said plurality of wire form elastic members are embedded with said lens holder and said suspension base..."

In rejecting claim 3, the Examiner states that Shinozuka discloses "a lens device (1) having an objective lens (2) and drive coils (12,13) fixed to the lens holder (3); a plurality of wire-form elastic members (6) made of metal which energize the drive coils." (Office Action at page 3). Further, the Examiner contends that the lens device of Shinozuka teaches that "wire form members are ***embedded within*** the lens holder and the suspension base..." (Id., emphasis added). In support of this contention, the Examiner points to Figures 3, 6 or 8 of Shinozuka, and further elaborates that "the wire members are embedded, i.e., to make an integral part of, and fixed via an adhesive..." (Id.).

Applicant respectfully disagrees with the Examiner's interpretation of the Shinozuka reference and submits that the structure defined by independent claim 3 is patentably distinct from the lens drive structure taught by Shinozuka. For instance, the lens drive structure taught by Shinozuka in no way teaches a lens holder and suspension base which is insert molded out of a resin on two end side of a plurality of wire form elastic members, as recited by claim 3. As taught by Shinozuka, an integrally molded member (36) is prepared which includes a lens holder (3) and a wire holder (4). Shinozuka further teaches that a wire holding frame (38) including

wires (6) is subsequently attached to bosses (32 and 33) which project from lens holder (3) and wire holder (4). Specifically, adhesion holes (30 and 31) of the pads (6a and 6b) of the wires (6) are placed over the bosses and "gaps between the bosses 32, 33 and the holders 3 and 4 are filled with an adhesive." (Shinozuka at col. 13, lines 2-3). Further, Shinozuka states "[i]n this manner, the wires 6 and the holders 3 and 4 are adhered to each other by means of the bosses 32 and 33, and no adhesive is used between the fixing pads 6a and 6b and the upper surface of the holders 3 and 4." (Shinozuka at col. 13, lines 4-7).

However, Shinozuka does not teach a lens holder and suspension base which is *insert molded out of a resin on two end sides of wire-form elastic members* such that portions of the wire form elastic members are *embedded within* the lens holder and the suspension base, as required by claim 3. (*See* Specification at pages 23-26 and Figs. 13-14 and 16A, and elsewhere). In contrast, the structure taught by Shinozuka merely has wires with adhesion holes formed in pads which are inserted on a top surface of the lens holder and wire holder on bosses which receive the adhesion holes, wherein adhesion holes are simply filled with an adhesive. Clearly, there is no "embedding within" of wire form elastic members within a lens holder and a suspension base, nor does Shinozuka teach a lens holder and suspension base structure which is insert molded "on two end sides of wire form elastic members". Moreover, the structure defined by claim 3 eliminates the need for an adhesive to bond the wires, which is required by Shinozuka.

For at least the reasons discussed above, Applicant submits that the rejection of claim 3 is improper because Shinozuka fails to anticipate or suggest all the claim limitations. Accordingly,

reconsideration and withdrawal of the rejection of claim 3 is requested. Further, Applicant submits that claim 4 is allowable at least by virtue of depending from claim 3, and allowance of claim 4 is requested.

In addition, Applicant submits that the above arguments with respect to claim 3 are equally applicable to independent claim 5. Claim 5 recites the limitation that "said lens holder and a suspension base are insert molded out of a resin on the two end sides of a plurality of wire form elastic members made of a metal such that portions of said plurality of wire form elastic members are embedded with said lens holder and said suspension base...", as in claim 3. Therefore, Applicant submits that claim 5 should be allowable at least for the same reasons discussed above in reference to claim 3. Accordingly, reconsideration and withdrawal of the rejection of claim 5 is requested.

II. Rejection under 35 U.S.C. § 103(a) over Tanaka (U.S. Patent No. 5,068,844) in view of Shinozuka

Claims 1-3 and 5 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Tanaka in view of Shinozuka. Applicant traverses this ground of rejection.

With respect to the rejection of claim 1, claim 1 recites a lens drive device comprising, *inter alia*, a lens holder to which an objective lens and a plurality of coils are fixed, and a plurality of wire-form elastic members for supporting the lens holder, in which the drive coils are energized through the wire-form elastic members. Claim 1 further requires that the lens holder is ***integrally molded out of a resin with connection wires***, wherein the lens holder has fixing arms

for connecting the wire form elastic members, and ***an end of each of said wire-form elastic members is buried within*** each of said fixing arms.

In rejecting claim 1, the Examiner contends that Tanaka teaches that "[t]he lens holder has its two side ends connected with wire-form elastic metal members such that the wire form members are buried (claim 1), i.e., covered from view..." (Office Action at page 4).

Applicant submits that Tanaka, whether taken alone or in combination, fails to teach or suggest the limitations of claim 1. For instance, Tanaka teaches a lens holder 25 which is supported by leaf springs 21 and 22. As shown in Fig. 2 on Tanaka, both ends of the leaf springs are inserted into elastic members 19, 20, 23 and 24 provided in recesses which are formed in the lens holder and the connective member. (Tanaka at col. 3, lines 30-49). However, Tanaka does not teach a lens holder integrally molded out of resin with connection wires, nor does Tanaka teach that each of the wire-form elastic members are buried within each of the fixing arms, as required by claim 1. In contrast, the leaf springs of Tanaka are inserted into elastic members provided in recesses, and therefore are not "buried within" fixing arms. The mere fact that the leaf springs may be hidden from view, as asserted by the Examiner, does not teach the claim limitation.

Further, Applicant submits that Shinozuka fails to compensate for the deficient teaching of Tanaka. As discussed above, Shinozuka teaches wires with adhesion holes formed in pads which are inserted on a top surface of the lens holder and wire holder on bosses which receive the adhesion holes, wherein adhesion holes are simply filled with an adhesive. Thus, Shinozuka fails to teach wire-form elastic members which are "buried within" fixing arms, as required by

claim 1. Similarly, Shinozuka does not teach a lens holder which is integrally molded out of a resin with connection wires.

In addition, Applicant submits that Shinozuka teaches away from the structure of Tanaka. As discussed above, Shinozuka teaches attaching wires to a top surface of a lens holder and wire holder, while Tanaka teaches leaf springs which are inserted into elastic members that are provided in recesses of a lens holder and connective member. Thus, the top surface adhesion of the wires taught by Shinozuka teaches away from elastic members within a recess taught by Tanaka. Therefore, the references teach different structures for connecting the wires and can not be properly combined.

Accordingly, Applicant submits that the rejection of claim 1 is improper at least because the combination of Tanaka and Shinozuka fails to teach or suggest all the claim limitations and Shinozuka teaches away from Tanaka, thus allowance of claim 1 is respectfully requested. Further, Applicant submits that claim 2 is allowable at least by virtue of depending from claim 1.

With respect to the rejection of independent claims 3 and 5 based on Tanaka and Shinozuka, Applicant submits that this ground of rejection is improper at least because the combination fails to teach of suggest all the claim limitations. For reasons similar to those discussed above, Applicant submits that neither Tanaka or Shinozuka teach a lens holder and suspension base which is *insert molded out of a resin on two end sides of wire-form elastic members* such that portions of the wire form elastic members are *embedded within* the lens holder and the suspension base, as required by claims 3 and 5. Additionally, Applicant submits

that Shinozuka teaches away from Tanaka, as discussed above relative to claim 1, and the combination is necessarily improper.

Therefore, Applicant requests reconsideration and withdrawal of the rejection of independent claims 3 and 5. Further, Applicant submits that claim 4 is allowable at least by virtue of depending from claim 3.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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